

In re ) Fair Hearing No. 9559  
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Appeal of )

The petitioner appeals the department's denial of her application for emergency fuel assistance.

1. The petitioner whose sole source of income is \$489.00 per month in Social Security disability payments applied for emergency fuel at the district office on December 11, 1989.

3. The petitioner reported that at the time of her application in December, she had used her money as follows: approximately \$70.00 paid for her monthly rent in her subsidized apartment; \$235.00 on a VISA bill, \$30.00 on a present for a friend, and \$30.00 for cosmetic products. She made the large payment on her credit card because she wanted to "avoid an unpleasant scene at her deathbed."

4. The petitioner maintained she was not aware that

she was in danger of having her electricity shut off when she spent her money on presents and cosmetics. She did admit that she made no payment on her November electric bill because she thought she would get fuel assistance. She was found ineligible for regular fuel assistance prior to December 1, 1989, because she lives in subsidized housing.

5. The petitioner was handed a notice of decision denying her application at the time of her interview and mailed a notice of decision on December 13, which confirmed the denial because: "Income was available to meet the current utility payment and avert shut-off. \$235.00 to VISA, \$30.00 presents, \$30.00 Avon."

6. Following her denial, the petitioner got a \$20.00 advance on her VISA charge card and paid her overdue bill, thereby avoiding shut-off.

ORDER

The department's decision is affirmed.

REASONS

The department's regulation governing emergency fuel assistance states, in pertinent part:

All applicants for emergency assistance must meet the income and resource eligibility criteria, and demonstrate that their fuel emergency resulted from unpredictable or extenuating circumstances. To make such a determination the department will complete a careful assessment of past income, uses made of income and resources; relative necessity of such uses including consideration of age, health, and other factors having impact on necessity; and adequacy of planning (past and future) to avoid such emergency. Households will be expected to decline or delay payment for non-essentials in favor of assuring themselves an adequate fuel supply and to make reasonable efforts to

conserve fuel to avoid an emergency . . .  
W.A.M. 9 2956.

It cannot be concluded that the petitioner showed that her electric shut-off notice was unpredictable or that she used the income and resources available to her in December on necessities. The petitioner was aware at the beginning of December that she had at least one unpaid electric bill and would get another bill that month and that she was not going to get fuel assistance to pay that bill or any future bills. It was incumbent upon her at that time to set some money aside to pay her electric bill, especially if she had some discretionary income. It appears that she did have such income from her large payment on her credit card bill and the \$60.00 spent on a gift and cosmetics. It also appears that the petitioner had a line of credit available to her to cover the amount she needed. The evidence leads to the conclusion that the petitioner had or should have had income or resources available to meet her need in December and was correctly determined to be ineligible for the emergency fuel assistance program.

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